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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,262	11/10/2000	Eugene Rosenberg	2290.00101	6244

7590 02/04/2002

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EXAMINER	
KERR, KATHLEEN M	
ART UNIT	PAPER NUMBER
1652	7

DATE MAILED: 02/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Commissioner of Patents and Trademarks

see attached action

DETAILED ACTION

Application Status

1. Claims 1-16 are pending in the instant application that is a continuation of 09/240,537, now abandoned.

Sequence Compliance

2. Prior to an Office action on the merits, the instant application must comply with the sequence rules.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. § 1.821 through 1.825; applicants' attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). To be in compliance, applicants must provide (1) an initial computer readable form (CRF) copy of the "Sequence Listing", (2) an initial paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification, and (3) a statement that the content of the paper and CRF copies are the same and, where applicable, include no new matter as required by 37 C.F.R. § 1.821(e) or 1.821(f) or 1.821(g) or 1.821(b) or 1.825(d).

APPLICANT IS GIVEN **ONE MONTH** FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. § 1.821-1.825. Failure to comply with these requirements will result in **ABANDONMENT** of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition

accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the one month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Sequence data is noted on pages 11-21 of the instant specification. These pages should be deleted and replaced with an appropriate sequence listing (paper copy) as noted above. The Examiner notes that, embedded within these pages, is useful information about coding regions (for example, see page 14 where the 529 amino acid protein is encoded by nucleotides 3116-4702 presumably of the >19,000bp DNA sequence at the end of the listing) and which proteins are encoded by which DNAs. This information should be retained in the specification since it would be very useful to one of skill in the art.

A computer readable form of the sequence listing must also be filed. The parent application 09/240,537 was first filed with a compliant disk. However, when Applicants submitted a supplemental disk, this disk did not comply. Attached are the reasons for this non-compliance of the substitute sequence listing in the parent case (Raw Sequence Listing Error Report); these reasons should be useful in producing the computer readable copy of the sequence listing in the instant case.

Examiner Notes

3. The Examiner notes that an explanation of the sequences in the listing is very useful in prosecution. For example, which proteins are encoded by which DNA sequences or parts of

sequences is very helpful. Such information in Applicants' remarks in response to the instant Office action is requested.

Conclusion

4. A complete response to the instant Office action must include (1) a sequence listing, (a) in computer readable form and (b) paper copy, (2) an amendment directing the entry of the paper copy into the specification, and (3) a statement that the computer readable form and the paper copy are the same and contain no new matter. Also requested is an explanation of the sequences in the listing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Kerr whose telephone number is (703) 305-1229. The examiner can normally be reached on Monday through Friday, from 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathupura Achutamurthy can be reached on (703) 308-3804. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-0294 for regular communications and (703) 305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

PONNATHAPU ACHUTAMURTHY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

KMK
January 29, 2002

Notice to Comply	Application No. 09/710,262	Applicant(s) Rosenberg *et al.*	
	Examiner Kathleen Kerr	Art Unit 1652	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 C.F.R. § 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. § 1.821-1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. § 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. § 1.821(c).

☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. § 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. § 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. § 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. § 1.821(e).

☐ 7. Other: All sequences in the specification, particularly the claims, must be identified by SEQ ID NOs.

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. § 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
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Technical Assistance.....703-287-0200
To Purchase PatentIn Software.....703-306-2600

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